

ASSEMBLY BILL

No. 967

Introduced by Assembly Member Chan
(Principal coauthor: Senator Perata)

February 23, 2001

An act to amend Section 18941.9 of, and to add and repeal Section 18941.10 of, the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 967, as introduced, Chan. Building standards: military bases.

Existing law authorizes until January 1, 2007, the governing body of a local agency to adopt an ordinance permitting certain buildings or other structures located on military bases, including specified buildings at the Oakland Army Base, to comply with specified provisions establishing state building standards and state standards of fire safety, or any regulations or standards adopted pursuant to state building standards, in a graduated manner over a period of no more than 7 years from the date that the property has been transferred by the federal government to the local agency, if specified conditions are met, including the adoption of a graduated compliance plan by January 1, 2000.

This bill would recast those provisions as they relate to the Oakland Army Base by enacting separate provisions that include additional specified buildings, extend the date for adoption of a graduated compliance plan until January 1, 2004, extend the period of time for graduated compliance to 9 years, and make those provisions operative until January 1, 2013.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 18941.9 of the Health and Safety Code is amended to read:

18941.9. (a) The governing body of a local agency may adopt an ordinance that allows a building or other structure located on a former military base to comply with this part and Division 12 (commencing with Section 13000), or to any regulations or standards promulgated-adopted pursuant to this part, in a graduated manner over a period of no more than seven years.

(b) This section shall apply only to those buildings and other structures located on the following military bases or on specified portions of former military bases that were selected for closure or realigned by action of the federal Defense Base Closure and Realignment Commission:

(1) At the former Castle Air Force Base, Building 1015 and Building 1075.

(2) At the former Hamilton Air Force Base, approximately 38 acres, commonly known as Planning Areas 6, 8, 9, and 10.

(3) The former Hunter's Point Naval Shipyard.

(4) The former Treasure Island Naval Station.

(5) The former San Diego Naval Training Center.

(6) At the Marine Corps Air Station-Tustin, approximately 100 acres, commonly known as Planning Areas 1, 2, 3, 6, 8, 9, 10, 16, and 17.

(7) At the Marine Corps Air Services-El Toro, Buildings 295, 296, 297, 313, 317, 318, 319, 360, 371, and 722.

(8) At the former Castle Air Force Base, Buildings 54, 175, 765, 871, 1015, 1200, 1212, 1213, 1319, 1320, 1322, 1324, 1332, 1333, 1335, 1340, 1509, 1535, 1540, and 1545.

(9) ~~At the Oakland Army Base, Buildings 641, 645, 646, 655, 660, 701, 726, 738, 740, 780, 790, 792, 794, 796, 802, 803, 804, 805, 806, 807, 808, 821, 822, and 823.~~

~~(10) At the former Naval Air Station Alameda, Buildings 2, 3, 4, 5, 8, 16, 17, 18, and 94.~~

~~(11)~~

(10) At Point Molate Naval Fuel Depot, Buildings 1, 6, 17, 63, 76, 85, 87, 123, and 132.

(c) The period for graduated compliance shall begin with the earlier of either the date the title to the property was transferred by,

1 or the date a lease is entered into with, the federal government to
2 the local agency.

3 (d) The authority for a local agency to adopt an ordinance
4 pursuant to this section is an alternative to the authority provided
5 by Section 18941.7, and shall not be used consecutively with
6 Section 18941.7.

7 (e) An ordinance adopted by a local agency pursuant to
8 subdivision (a) shall not apply to a building or other structure that
9 will be used as a residence.

10 (f) Prior to the adoption of the ordinance pursuant to
11 subdivision (a), each of the following conditions shall be met:

12 (1) The use of the building or other structure is not hazardous
13 to life safety, fire safety, health, or sanitation, as determined by the
14 application of state and local building and fire codes and standards
15 by the local building official and fire marshal.

16 (2) The building or other structure has been transferred by the
17 federal government to the local agency or is under a lease between
18 the local agency and the federal government.

19 (3) The governing body of the local agency adopts a graduated
20 compliance plan which includes all of the following:

21 (A) Requirements for buildings and structures with:

22 (i) No change in occupancy or use with no anticipated
23 alterations.

24 (ii) No change in occupancy or use with planned alterations.

25 (iii) Change in occupancy or use with no anticipated
26 alterations.

27 (iv) Change in occupancy or use with planned alterations.

28 (B) Requirements for a building and structure compliance
29 inspection and a fire department inspection, and for preparation of
30 inspection reports, prior to issuing a certificate of occupancy.

31 (C) Requirements for the inspection reports prepared pursuant
32 to subparagraph (B) to be attached to the certificate of occupancy
33 or provided to the occupants of the building or other structure.

34 (D) Requirements for the terms and period of time for
35 compliance to be specified in the certificate of occupancy.

36 (E) Requirements that the alterations conform to the standards
37 that were in effect at the time of the alteration.

38 (g) (1) Before adopting the graduated compliance plan, the
39 local agency shall arrange for the review of the draft plan by an
40 engineer, architect, or building inspector. The engineer or architect

1 shall be licensed by the State of California, and the building
2 inspector shall be certified by the International Conference of
3 Building Officials or another similar recognized state, national, or
4 international association. The engineer, architect, or building
5 inspector shall not be an employee of the local agency.

6 (2) The engineer, architect, or building inspector shall review
7 the draft plan for its consistency with the requirements of this
8 section, and report his or her written findings and
9 recommendations to the local agency. If the engineer, architect, or
10 building inspector finds that the draft plan is not consistent with the
11 requirements of this section, the engineer, architect, or building
12 inspector shall recommend changes to the draft plan to achieve
13 consistency.

14 (3) The local agency shall consider the findings and
15 recommendations of the engineer, architect, or building inspector.
16 If the engineer, architect, or building inspector finds that the draft
17 plan is not consistent with the requirements of this section, the
18 local agency shall take one of the following actions:

19 (A) Change the draft plan to be consistent with the
20 requirements of this section, as recommended by the engineer,
21 architect, or building inspector.

22 (B) Adopt the draft plan with some of the recommended
23 changes or without changes, ~~provided that~~ if the local agency
24 makes written findings that explain the reasons why the local
25 agency believes that the draft plan, as adopted, is consistent with
26 the requirements of this section despite the findings and
27 recommendations of the engineer, architect, or building inspector
28 ~~which~~ ~~that~~ were not adopted by the local agency.

29 (4) The local agency shall file a copy of the approved graduated
30 compliance plan with the California Building Standards
31 Commission.

32 (h) (1) Five years after the beginning of the period for
33 graduated compliance specified in subdivision (b), the local
34 agency shall arrange for an engineer, architect, or building
35 inspector to determine whether the buildings or other structures
36 adhere to the graduated compliance plan. The engineer or architect
37 shall be licensed by the State of California and the building
38 inspector shall be certified by the International Conference of
39 Building Officials or another similar recognized state, national, or

1 international association. The engineer, architect, or building
2 inspector shall not be an employee of the local agency.

3 (2) If the engineer, architect, or building inspector determines
4 that the building or other structure does not adhere to the graduated
5 compliance plan, the local building official shall initiate
6 appropriate proceedings to withdraw the certificate of occupancy
7 for that building or structure.

8 (i) Nothing in this section affects the requirement of state
9 consent to retrocession pursuant to Section 113 of the Government
10 Code.

11 (j) As used in this section, “local agency” means a city, county,
12 or city and county. When authorized by state law or local ordinance
13 to adopt and administer building and fire safety codes and
14 standards, a community redevelopment agency, a reuse entity, or
15 a joint powers agency may also be a “local agency” for the
16 purposes of this section.

17 (k) This section shall be applicable to a building or other
18 structure for which a local agency adopts a graduated compliance
19 plan before January 1, 2000.

20 (l) Any taxpayer, property owner, resident, or public agency
21 has standing to enforce the provisions of this section.

22 (m) Nothing in this section shall affect local, state, or federal
23 laws as they relate to access to the disabled.

24 (n) This section shall remain in effect only until January 1,
25 2007, and as of that date is repealed, unless a later enacted statute,
26 that is enacted before January 1, 2007, deletes or extends that date.

27 SEC. 2. Section 18941.10 is added to the Health and Safety
28 Code, to read:

29 18941.10. (a) The governing body of a local agency may
30 adopt an ordinance that allows a building or other structure located
31 on a former military base to comply with this part and Division 12
32 (commencing with Section 13000), or any regulations or standards
33 adopted pursuant to this part, in a graduated manner over a period
34 of no more than nine years.

35 (b) This section shall apply only to those buildings and other
36 structures located on the following military base or on specified
37 portions of the former military base that was selected for closure
38 or realigned by action of the federal Defense Base Closure and
39 Realignment Commission: At the Oakland Army Base, Buildings
40 001, 005, 006, 006T, 060, 070, 590, 640, 641, 645, 646, 650, 655,

1 660, 690, 701, 726, 738, 740, 780, 790, 792, 794, 796, 802, 803,
2 804, 805, 806, 807, 808, 812, 821, 822, and 823.

3 (c) The period for graduated compliance shall begin with the
4 earlier of either the date the title to the property was transferred by,
5 or the date a lease is entered into with, the federal government to
6 the local agency.

7 (d) The authority for a local agency to adopt an ordinance
8 pursuant to this section is an alternative to the authority provided
9 by Section 18941.7, and shall not be used consecutively with
10 Section 18941.7.

11 (e) An ordinance adopted by a local agency pursuant to
12 subdivision (a) shall not apply to a building or other structure that
13 will be used as a residence.

14 (f) Prior to the adoption of the ordinance pursuant to
15 subdivision (a), each of the following conditions shall be met:

16 (1) The use of the building or other structure is not hazardous
17 to life safety, fire safety, health, or sanitation, as determined by the
18 application of state and local building and fire codes and standards
19 by the local building official and fire marshal.

20 (2) The building or other structure has been transferred by the
21 federal government to the local agency or is under a lease between
22 the local agency and the federal government.

23 (3) The governing body of the local agency adopts a graduated
24 compliance plan which includes all of the following:

25 (A) Requirements for buildings and structures with:

26 (i) No change in occupancy or use with no anticipated
27 alterations.

28 (ii) No change in occupancy or use with planned alterations.

29 (iii) Change in occupancy or use with no anticipated
30 alterations.

31 (iv) Change in occupancy or use with planned alterations.

32 (B) Requirements for a building and structure compliance
33 inspection and a fire department inspection, and for preparation of
34 inspection reports, prior to issuing a certificate of occupancy.

35 (C) Requirements for the inspection reports prepared pursuant
36 to subparagraph (B) to be attached to the certificate of occupancy
37 or provided to the occupants of the building or other structure.

38 (D) Requirements for the terms and period of time for
39 compliance to be specified in the certificate of occupancy.



1 (E) Requirements that the alterations conform to the standards
2 that were in effect at the time of the alteration.

3 (g) (1) Before adopting the graduated compliance plan, the
4 local agency shall arrange for the review of the draft plan by an
5 engineer, architect, or building inspector. The engineer or architect
6 shall be licensed by the State of California, and the building
7 inspector shall be certified by the International Conference of
8 Building Officials or another similar recognized state, national, or
9 international association. The engineer, architect, or building
10 inspector shall not be an employee of the local agency.

11 (2) The engineer, architect, or building inspector shall review
12 the draft plan for its consistency with the requirements of this
13 section, and report his or her written findings and
14 recommendations to the local agency. If the engineer, architect, or
15 building inspector finds that the draft plan is not consistent with the
16 requirements of this section, the engineer, architect, or building
17 inspector shall recommend changes to the draft plan to achieve
18 consistency.

19 (3) The local agency shall consider the findings and
20 recommendations of the engineer, architect, or building inspector.
21 If the engineer, architect, or building inspector finds that the draft
22 plan is not consistent with the requirements of this section, the
23 local agency shall take one of the following actions:

24 (A) Change the draft plan to be consistent with the
25 requirements of this section, as recommended by the engineer,
26 architect, or building inspector.

27 (B) Adopt the draft plan with some of the recommended
28 changes or without changes, if the local agency makes written
29 findings that explain the reasons why the local agency believes that
30 the draft plan, as adopted, is consistent with the requirements of
31 this section despite the findings and recommendations of the
32 engineer, architect, or building inspector that were not adopted by
33 the local agency.

34 (4) The local agency shall file a copy of the approved graduated
35 compliance plan with the California Building Standards
36 Commission.

37 (h) (1) Five years after the beginning of the period for
38 graduated compliance specified in subdivision (b), the local
39 agency shall arrange for an engineer, architect, or building
40 inspector to determine whether the buildings or other structures

1 adhere to the graduated compliance plan. The engineer or architect
2 shall be licensed by the State of California and the building
3 inspector shall be certified by the International Conference of
4 Building Officials or another similar recognized state, national, or
5 international association. The engineer, architect, or building
6 inspector shall not be an employee of the local agency.

7 (2) If the engineer, architect, or building inspector determines
8 that the building or other structure does not adhere to the graduated
9 compliance plan, the local building official shall initiate
10 appropriate proceedings to withdraw the certificate of occupancy
11 for that building or structure.

12 (i) Nothing in this section affects the requirement of state
13 consent to retrocession pursuant to Section 113 of the Government
14 Code.

15 (j) As used in this section, “local agency” means a city, county,
16 or city and county. When authorized by state law or local ordinance
17 to adopt and administer building and fire safety codes and
18 standards, a community redevelopment agency, a reuse entity, or
19 a joint powers agency may also be a “local agency” for the
20 purposes of this section.

21 (k) This section shall be applicable to a building or other
22 structure for which a local agency adopts a graduated compliance
23 plan before January 1, 2004.

24 (l) Any taxpayer, property owner, resident, or public agency
25 has standing to enforce the provisions of this section.

26 (m) Nothing in this section shall affect local, state, or federal
27 laws as they relate to access to the disabled.

28 (n) This section shall remain in effect only until January 1,
29 2013, and as of that date is repealed, unless a later enacted statute,
30 that is enacted before January 1, 2013, deletes or extends that date.

31 SEC. 3. The Legislature finds and declares that, because of the
32 unique circumstances applicable only to the Oakland Army Base,
33 a statute of general applicability cannot be enacted within the
34 meaning of subdivision (b) of Section 16 of Article IV of the
35 California Constitution. Therefore, this special statute is
36 necessary.